

15 APR 1981

Executive Order 12036
as amended

PROPOSED/POSSIBLE
NEW PROVISIONS

ALTERNATIVES/COMMENTS

SECTION 1

DIRECTION, DUTIES AND
RESPONSIBILITIES WITH
RESPECT TO THE NATIONAL
INTELLIGENCE EFFORT

- 1-1. National Security Council.
- 1-2. NSC Policy Review
Committee.
- 1-3. NSC Special Coordination
Committee.

[Deleted. See draft NSDD No. 2,
dated 25 February 1981.]

1-4. National Foreign Intelligence Board.

1-401. Establishment and Duties. There is established a National Foreign Intelligence Board (NFIB) to advise the Director of Central Intelligence concerning:

[An alternative is that the purposes, functions, and membership of the National Foreign Intelligence Board and the National Foreign Intelligence Council will be reflected in the memorandum of the Director of Central Intelligence on this subject, dated 9 March 1981.]

(a) Production, review, and coordination of national foreign intelligence;

(b) The National Foreign Intelligence Program budget;

(c) Interagency exchanges of foreign intelligence information;

(d) Arrangements with foreign governments on intelligence matters;

(e) The protection of intelligence sources and methods;

(f) Activities of common concern; and

(1-401. Continued)

(g) Other matters referred to it by the Director of Central Intelligence.

1-402. Membership. The NFIB shall be chaired by the Director of Central Intelligence and shall include other appropriate officers of the CIA, the Office of the Director of Central Intelligence, the Department of State, the Department of Defense, the Department of Justice, the Department of the Treasury, the Department of Energy, the Defense Intelligence Agency, the offices within the Department of Defense for reconnaissance programs, the National Security Agency and the FBI. A representative of the Assistant to the President for National Security Affairs may attend meetings of the NFIB as an observer.

1-403. Restricted Membership and Observers. When the NFIB meets for the purpose of section 1-402(a), it shall be composed solely of the senior intelligence officers of the designated agencies. The senior intelligence officers of the Army, Navy and Air Force may attend all meetings of the NFIB as observers.

1-5. National Intelligence Tasking Center.

[Deleted. CIA, NSA, IC Staff, State Department proposal.]

1-501. Establishment. There is established a National Intelligence Tasking Center (NITC) under the direction, control and management of the Director of Central Intelligence for coordinating and tasking national foreign intelligence collection activities. The NITC shall be staffed jointly by civilian and military personnel including designated representatives of the chiefs of each of the Department of Defense intelligence organizations engaged in national foreign intelligence activities. Other agencies within the Intelligence Community may also designate representatives.

[For the sake of clarity and the reader's convenience, the CIA's proposed new DCI section is placed throughout the spread sheet in the third column opposite Sections 1-5 and 1-6. If there is no alternative proposal, the CIA concurs in the present EO 12036 language.]

1-502. Responsibilities.
The NITC shall be the central mechanism by which the Director of Central Intelligence:

(a) Translates national foreign intelligence requirements and priorities developed by the PRC into specific collection objectives and targets for the Intelligence Community;

(b) Assigns targets and objectives to national foreign intelligence collection organizations and systems;

National Foreign Intelligence Collection. The Director of Central Intelligence is responsible for coordinating and tasking national foreign intelligence collection activities. The DCI shall establish mechanisms to:

(a) Translate national foreign intelligence requirements and priorities developed by the NFIB and NFIC into specific collection objectives and targets for the Intelligence Community.

(b) Assign targets and objectives to national foreign intelligence collection organizations and systems.

Director of Central Intelligence: Duties and responsibilities of the Director of Central Intelligence: In order to discharge the duties and responsibilities prescribed by law, the Director of Central Intelligence shall be responsible directly to the NSC and, in addition to the duties and responsibilities specified elsewhere in this Order, shall:

-- Establish mechanisms to translate national foreign intelligence objectives and priorities developed by the NSC into specific guidance for the Intelligence Community. [CIA proposal.]

(1-502. Continued)

(c) Ensures the timely dissemination and exploitation of data for national foreign intelligence purposes gathered by national foreign intelligence collection means, and ensures the resulting intelligence flow is routed immediately to relevant components and commands;

(c) Ensure timely dissemination and exploitation of data for national foreign intelligence purposes gathered by national foreign intelligence collection means, and ensure the resulting intelligence flow is routed immediately to relevant components and commands.

-- Ensure the timely exploitation and dissemination of data gathered by national foreign intelligence collection means, and ensure that the resulting intelligence is disseminated immediately to appropriate components and commands. [CIA proposal.]

(1-502. Continued)

(d) Provides advisory tasking concerning collection of national foreign intelligence to departments and agencies having information collection capabilities or intelligence assets that are not a part of the National Foreign Intelligence Program. Particular emphasis shall be placed on increasing the contribution of departments or agencies to the collection of information through overt means.

(d) Provide advisory tasking concerning collection of national foreign intelligence to departments and agencies having information collection capabilities or intelligence assets that are not a part of the National Foreign Intelligence Program. Particular emphasis shall be placed on increasing the contribution of departments or agencies to the collection of information through overt means. [IC Staff proposal.]

-- Provide to departments and agencies having information collection capabilities or intelligence assets that are not a part of the National Foreign Intelligence Program advisory tasking concerning collection of national foreign intelligence. Particular emphasis shall be placed on increasing the contribution of departments or agencies to the collection of information through overt means. [CIA proposal.]

1-503. Resolution of Conflicts. The NITC shall have the authority to resolve conflicts of priority. Any PRC member may appeal such a resolution to the PRC; pending the PRC's decision, the tasking remains in effect.

Resolution of Conflicts. The Director of Central Intelligence shall resolve conflicts of priority. Any Senior Interdepartmental Group (Intelligence) member may appeal such resolution to the DCI with a view toward obtaining an NSC determination. Pending the NSC decision, the tasking will remain in effect. [IC Staff proposal.]

-- Resolve tasking conflicts of priority in national foreign intelligence activities. [CIA proposal.]

1-504. Transfer of Authority. All responsibilities and authorities of the Director of Central Intelligence concerning the NITC shall be transferred to the Secretary of Defense upon the express direction of the president. To maintain readiness for such transfer, the Secretary of Defense shall, with advance agreement of the Director of Central Intelligence, assume temporarily during regular practice exercises all responsibilities and authorities of the Director of Central Intelligence concerning the NITC.

[Deleted. CIA, NSA, IC Staff, State Department proposal.]

1-6. The Director of Central Intelligence.

1-601. Duties. The Director of Central Intelligence shall be responsible directly to the NSC and, in addition to the duties specified elsewhere in this Order, shall:

[See page 5.]

(1-601. Continued)

(a) Act as the primary adviser to the President and the NSC on national foreign intelligence and provide the President and other officials in the Executive Branch with national foreign intelligence;

(b) Be the head of the CIA and of such staff elements as may be required for discharge of the Director's Intelligence Community responsibility;

(c) Act, in appropriate consultation with the departments and agencies, as the Intelligence Community's principal spokesperson to the Congress, the news media and the public, and facilitate the use of national foreign intelligence products by the Congress in a secure manner;

(a) Act as the primary adviser to the President and the NSC on national intelligence and provide the President and other officials in the Executive Branch with national intelligence.
[Acting SA/DCI/CI proposal.]

-- Maintain, subject to the direction, control, and management of the DCI, staff elements to coordinate the National Foreign Intelligence Program and budget and national foreign intelligence activities.
[CIA proposal; new section in addition to current 1-601(b).]

-- .Serve as a member of the Cabinet. [CIA proposal; new section.]

(1-601. Continued)

(d) Develop, consistent with the requirements and priorities established by the PRC, such objectives and guidance for the Intelligence Community as will enhance capabilities for responding to expected future needs for national foreign intelligence;

(e) Promote the development and maintenance of services of common concern by designated foreign intelligence organizations on behalf of the Intelligence Community;

(f) Ensure implementation of special activities;

(d) Consistent with major objectives and priorities established by the SIG-I, develop with the advice of NFIC such requirements, priorities and guidance for the Intelligence Community as will enhance capabilities for responding to expected future needs for foreign intelligence. [State Department proposal.]

(e) Promote the development and maintenance of services of common concern by designated intelligence organizations on behalf of the Intelligence Community. [Acting SA/DCI/CI proposal.]

(d) Develop such objectives and guidance for the Intelligence Community as will enhance capabilities for responding to expected future needs for national foreign intelligence. [CIA proposal.]

(1-601. Continued)

(g) Formulate policies concerning intelligence arrangements with foreign governments, and coordinate intelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments;

(h) Conduct a program to protect against overclassification of foreign intelligence information;

(i) Ensure the establishment by the Intelligence Community of common security and access standards for managing and handling foreign intelligence systems, information and products;

(j) Participate in the development of procedures required to be approved by the Attorney General governing the conduct of intelligence activities;

(g) With the advice of NFIB, formulate policies concerning intelligence arrangements with foreign governments, and coordinate intelligence relationships between agencies of the Intelligence Community and the intelligence or internal security services of foreign governments. [State Department proposal.]

(h) Conduct a program to ensure that foreign intelligence information is adequately protected through proper classification. [NSA proposal.]

[Deletion proposed by DoJ.]

-- Formulate policies concerning intelligence arrangements with foreign governments, and coordinate intelligence arrangements with foreign governments, and coordinate intelligence relationships between departments and agencies and the intelligence or internal security services of foreign governments. [CIA proposal.]

-- Conduct a program to protect against improper national security classification of foreign intelligence information. [CIA proposal.]

(1-601. Continued)

(k) Establish uniform criteria for the determination of relative priorities for the transmission of critical national foreign intelligence, and advise the Secretary of Defense concerning the communications requirements of the Intelligence Community for the transmission of such intelligence;

(l) Provide appropriate intelligence to departments and agencies not within the Intelligence Community; and

(m) Establish appropriate committees or other advisory groups to assist in the execution of the foregoing responsibilities.

[Deleted. CIA proposal.]

(n) Coordinate with the Secretary of State to ensure that national foreign intelligence activities are consistent with U.S. foreign policy objectives and interests. [State Department proposal; new section.]

-- Establish, with the advice of the Intelligence Community, minimum security standards and procedures to govern all individuals and entities having access to or that distribute foreign intelligence and counterintelligence subject to specific statutory requirements applicable to any department or agency. [CIA proposal.]

Approved For Release 2005/08/15 : CIA-RDP87B01034R000200020051-6 [New DCI section proposed by CIA, continued. The Director of Central Intelligence ... shall:]

1-602. National Foreign Intelligence Program Budget. The Director of Central Intelligence shall, to the extent consistent with applicable law, have full and exclusive authority for approval of the National Foreign Intelligence Program budget submitted to the President. Pursuant to this authority:

[Deleted. CIA proposal.]

(a) The Director of Central Intelligence shall provide guidance for program and budget development to program managers and heads of component activities and to department and agency heads;

-- Provide guidance for National Foreign Intelligence Program and budget development to Intelligence Community program managers and department and agency heads. [CIA proposal.]

Approved For Release 2005/08/15 : CIA-RDP87B01034R000200020051-6 [New DCI section proposed by CIA, continued. The Director of Central Intelligence ... shall:]

(1-602. Continued)

(b) The heads of departments and agencies involved in the National Foreign Intelligence Program shall ensure timely development and submission to the Director of Central Intelligence of proposed national programs and budgets in the format designated by the Director of Central Intelligence, by the program managers and heads of component activities, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities;

[Deleted. See CIA proposal opposite section 1-605.]

-- Ensure, together with the Secretary of Defense, who shall provide the Director of Central Intelligence all information necessary for this purpose, that there is no unnecessary overlap between national foreign intelligence programs and intelligence-related activities of the Department of Defense. [CIA proposal.]

(1-602. Continued)

(c) The Director of Central Intelligence shall review and evaluate the national program and budget submissions and, with the advice of the NFIB and the departments and agencies concerned, develop the consolidated National Foreign Intelligence Program budget and present it to the President through the Office of Management and Budget;

(d) The Director of Central Intelligence shall present and justify the National Foreign Intelligence Program budget to the Congress;

(e) The heads of the departments and agencies shall, in consultation with the Director of Central Intelligence, establish rates of obligation for appropriated funds;

(c) The Director of Central Intelligence shall review and evaluate the national program and budget submissions and, with the advice of the appropriate Intelligence Community advisory group and the departments and agencies concerned, develop the consolidated National Foreign Intelligence Program budget and present it to the President through the Office of Management and Budget. [IC Staff proposal.]

[Moved. See CIA proposal at section 1-605.]

-- Develop, with the advice of the departments and agencies concerned, the consolidated National Foreign Intelligence Program budget and present it to the President through the Office of Management and Budget. [CIA proposal.]

-- Present and justify the National Foreign Intelligence Program budget to the Congress. [CIA proposal.]

(1-602. Continued)

(f) The Director of Central Intelligence shall have full and exclusive authority for reprogramming National Foreign Intelligence Program funds, in accord with guidelines established by the Office of Management and Budget, but shall do so only after consultation with the head of the department affected and appropriate consultation with the Congress;

(g) The departments and agencies may appeal to the President decisions by the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program.

(h) The Director of Central Intelligence shall monitor National Foreign Intelligence Program implementation and may conduct program and performance audits and evaluations.

-- Review and approve all requests for reprogramming National Foreign Intelligence Program funds, in accord with guidelines established by the Office of Management and Budget. [CIA proposal.]

[Moved. See CIA proposal at section 1-605, page 21.]

-- Monitor National Foreign Intelligence Program implementation and, as necessary, conduct program and performance audits and evaluations. [CIA proposal.]

Approved For Release 2005/08/15 : CIA-RDP87B01034R000200020051-6 [New DCI section proposed by CIA, continued. The Director of Central Intelligence ... shall:]

1-603. Responsibility for National Foreign Intelligence. The Director of Central Intelligence shall have full responsibility for production and dissemination of national foreign intelligence and have authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations. In doing so, the Director of Central Intelligence shall ensure that diverse points of view are considered fully and that differences of judgment within the Intelligence Community are brought to the attention of national policymakers.

-- Have full responsibility for production and dissemination of national foreign intelligence and authority to levy analytic tasks on departmental intelligence production organizations, in consultation with those organizations. In doing so, the Director of Central Intelligence shall ensure that diverse points of view are considered fully and that differences of judgment within the Intelligence Community are brought to the attention of national policymakers. [CIA proposal.]

1-604. Protection of Sources, Methods and Procedures. The Director of Central Intelligence shall ensure that programs are developed which protect intelligence sources, methods and analytical procedures, provided that this responsibility shall be limited within the United States to:

(a) Using lawful means to protect against disclosure by present or former employees of the CIA or the Office of the Director of Central Intelligence, or by persons or organizations presently or formerly under contract with such entities; and

(b) Providing policy, guidance and technical assistance to departments and agencies regarding protection of intelligence information, including information that may reveal intelligence sources and methods.

-- Develop, in accordance with applicable law and restrictions contained in this Order, specific means to protect intelligence sources and methods from unauthorized disclosure, including the establishment of minimum standards and procedures to govern all individuals and entities having access to or that distribute information that would reveal these sources and methods. [CIA proposal.]

1-605. Responsibility of Executive Branch Agencies. The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant Attorney General procedures, give the Director of Central Intelligence access to all information relevant to the national intelligence needs of the United States and shall give due consideration to requests from the Director of Central Intelligence for appropriate support for CIA activities.

1-606. Access to CIA Intelligence. The Director of Central Intelligence, shall, in accordance with law and relevant Attorney General procedures, give the heads of the departments and agencies access to all intelligence, developed by the CIA or the staff elements of the office of the Director of Central Intelligence, relevant to the national intelligence needs of the departments and agencies.

[Proposed new section.] Duties and Responsibility of the Heads of Executive Branch Departments and Agencies.

-- The heads of all Executive Branch departments and agencies shall, in accordance with law and relevant Attorney General procedures, give the Director of Central Intelligence access to all information relevant to the national intelligence needs of the United States and shall give due consideration to requests from the Director of Central Intelligence for appropriate support for Intelligence Community activities. [CIA proposal.]

[Deleted. CIA proposal.]

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-- The heads of departments and agencies involved in the National Foreign Intelligence Program shall:

(a) Ensure timely development and submission to the Director of Central Intelligence of proposed national programs and budgets in the format designated by the Director of Central Intelligence, by the program managers and heads of component activities, and shall also ensure that the Director of Central Intelligence is provided, in a timely and responsive manner, all information necessary to perform the Director's program and budget responsibilities;

(b) Establish, in consultation with the Director of Central Intelligence, rates of obligation for appropriated funds. [CIA proposal; new section.]

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-- The heads of departments and agencies involved in the National Foreign Intelligence Program may appeal to the President decisions by the Director of Central Intelligence on budget or reprogramming matters of the National Foreign Intelligence Program. [CIA proposal; new section.]

1-7. Senior Officials of the Intelligence Community.

The senior officials of each of the agencies within the Intelligence Community shall:

1-701. Ensure that all activities of their agencies are carried out in accordance with applicable law;

1-702. Make use of the capabilities of other agencies within the Intelligence Community in order to achieve efficiency and mutual assistance;

1-7. Duties and Responsibilities of the Heads of Intelligence Community Organizations. The heads of each of the organizations within the Intelligence Community shall: [CIA proposal.]

1-701. Ensure that all activities of their organizations are carried out in accordance with applicable law and assigned missions. [CIA proposal.]

1-703. Contribute in their areas of responsibility to the national foreign intelligence products;

1-704. Establish internal policies and guidelines governing employee conduct and ensure that such are made known to each employee;

1-705. Provide for strong, independent, internal means to identify, inspect, and report on unlawful or improper activity;

1-706. Report to the Attorney General evidence of possible violations of federal criminal law by an employee of their department or agency, and report to the Attorney General evidence of possible violations by any other person of those federal criminal laws specified in guidelines adopted by the Attorney General;

1-703. Contribute in their areas of responsibility to the national intelligence products. [Acting SA/DCI/CI proposal.]

1-705. Provide for strong, independent, internal means to identify, inspect, and report on unlawful or improper activity and on ways to improve the effectiveness and efficiency of their organization's activities.

1-707. In any case involving serious or continuing breaches of security, recommend to the Attorney General that the case be referred to the FBI for further investigation;

1-708. Furnish the Director of Central Intelligence, the PRC and the SCC, in accordance with applicable law and Attorney General procedures, the information required for the performance of their respective duties;

1-709. Report to the Intelligence Oversight Board, and keep the Director of Central Intelligence appropriately informed, concerning any intelligence activities of their organizations which raise questions of legality or propriety;

1-710. Protect intelligence and intelligence sources and methods consistent with guidance from the Director of Central Intelligence and the NSC;

1-708. Furnish the Director of Central Intelligence and the NSC, in accordance with applicable law and Attorney General procedures, the information required for the performance of their respective duties. [CIA proposal.]

1-710. Protect intelligence and intelligence sources and methods from unauthorized disclosure consistent with guidance from the Director of Central Intelligence and the NSC. [CIA proposal.]

1-711. Disseminate intelligence to cooperating foreign governments under arrangements established or agreed to by the Director of Central Intelligence;

1-712. Execute programs to protect against over classification of foreign intelligence;

1-713. Instruct their employees to cooperate fully with the Intelligence Oversight Board; and

1-714. Ensure that the Inspector General and General Counsel of their agencies have access to any information necessary to perform their duties assigned by this Order.

1-712. Execute programs to protect against improper national security classification of foreign intelligence. [CIA proposal.]

1-712. Execute programs to protect foreign intelligence through proper classification. (NSA proposal.)

1-714. Ensure that the Inspectors General and General Counsel of their organizations have access to any information necessary to perform their duties assigned by this Order. [CIA proposal.]

1-8. The Central Intelligence Agency.

All duties and responsibilities of the CIA shall be related to the intelligence functions set out below. As authorized by the National Security Act of 1947, as amended, the CIA Act of 1949, as amended, and other laws, regulations and directives, the CIA, under the direction of the NSC, shall:

1-801. Collect foreign intelligence, including information not otherwise obtainable, and develop, conduct, or provide support for technical and other programs which collect national foreign intelligence. The collection of information within the United States shall be coordinated with the FBI as required by procedures agreed upon by the Director of Central Intelligence and the Attorney General;

1-802. Produce and disseminate foreign intelligence relating to the national security, including foreign political, economic, scientific, technical, military, geographic and sociological intelligence to meet the needs of the President, the NSC, and other elements of the United States Government;

1-803. Collect, produce and disseminate intelligence on foreign aspects of narcotics production and trafficking;

1-804. Conduct counterintelligence activities outside the United States and coordinate counterintelligence activities conducted outside the United States by other agencies within the Intelligence Community;

1-805. Without assuming or performing any internal security functions, conduct counterintelligence activities within the United States, but only in coordination with the FBI and subject to the approval of the Attorney General;

1-802. Produce and disseminate foreign intelligence relating to the national security, including foreign political, economic, scientific, technical, military, geographic, biographic, and sociological intelligence to meet the needs of the President, the NSC, and other elements of the United States Government. [CIA proposal.]

1-803. Collect, produce and disseminate strategic intelligence on foreign aspects of narcotics production and trafficking. [CIA proposal.]

1-804. Conduct counterintelligence activities outside the United States and coordinate all counterintelligence activities conducted outside the United States by other departments and agencies. [CIA proposal.]

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1-806. Produce and disseminate counterintelligence studies and reports;

1-807. Coordinate the collection outside the United States of intelligence information not otherwise obtainable;

1-807. Coordinate the collection outside the United States of intelligence information by clandestine means and coordinate the collection outside the United States of intelligence information not otherwise obtainable. [CIA proposal.]

1-808. Conduct special activities approved by the President and carry out such activities consistent with applicable law;

1-809. Conduct services of common concern for the Intelligence Community as directed by the NSC.

1-810. Carry out or contract for research, development and procurement of technical systems and devices relating to authorized functions;

1-811. Protect the security of its installations, activities, information and personnel by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the CIA as are necessary;

1-812. Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in section 1-801 through 1-811 above, including procurement and essential cover and proprietary arrangements.

1-813. Provide legal and legislative services and other administrative support to the Office of the Director of Central Intelligence.

1-811. Protect the security of its installations, activities, assets, information and personnel by appropriate means, including such investigations of applicants, employees, contractors, and other persons with similar associations with the CIA as are necessary. [CIA proposal.]

1-813. Provide legal, legislative, oversight, and administrative support services to the staff elements of the Office of the Director of Central Intelligence. [CIA proposal.]

1-9. The Department of State.

The Secretary of State
shall:

1-901. Overtly collect
foreign political, sociological,
economic, scientific, technical,
political-military and associated
biographic information;

1-902. Produce and
disseminate foreign intelligence
relating to United States foreign
policy as required for the execu-
tion of the Secretary's respon-
sibilities;

1-903. Disseminate, as
appropriate, reports received
from United States diplomatic and
consular posts abroad;

1-904. Coordinate with
the Director of Central Intelli-
gence to ensure that national
foreign intelligence activities
are useful to and consistent with
United States foreign policy;

1-905. Transmit reporting requirements of the Intelligence Community to the Chiefs of United States Missions abroad; and

1-906. Support Chiefs of Mission in discharging their statutory responsibilities for direction and coordination of mission activities.

1-10. The Department of the Treasury.

The Secretary of the Treasury shall:

1-1001. Overtly collect foreign financial and monetary information;

1-1002. Participate with the Department of State in the overt collection of general foreign economic information;

1-1003. Produce and disseminate foreign intelligence relating to United States economic policy as required for the execution of the Secretary's responsibilities; and

1-1004. Conduct, through the United States Secret Service, activities to determine the existence and capability of surveillance equipment being used against the President of the United States, the Executive Office of the President, and, as authorized by the Secretary of the Treasury or the President, other Secret Service protectees and United States officials. No information shall be acquired intentionally through such activities except to protect against such surveillance, and those activities shall be conducted pursuant to procedures agreed upon by the Secretary of the Treasury and the Attorney General.

1-11. The Department of Defense.

The Secretary of Defense shall:

1-1101. Collect national foreign intelligence and be responsive to collection tasking by the NITC.

1-1101. Collect national foreign intelligence and be responsive to the requirements of the Director of Central Intelligence. [CIA proposal.]

1-1101. Collect national foreign intelligence and be responsive to requirements and priorities established by the Director of Central Intelligence with the advice of NFIC. [State Department proposal.]

1-1102. Collect, produce and disseminate foreign military and military-related intelligence information, including scientific, technical, political, geographic and economic information as required for execution of the Secretary's responsibilities;

1-1103. Conduct programs and missions necessary to fulfill national and tactical foreign intelligence requirements;

1-1104. Conduct counter-intelligence activities in support of Department of Defense components outside the United States in coordination with the CIA, and within the United States in coordination with the FBI pursuant to procedures agreed upon by the Secretary of Defense and the Attorney General, and produce and disseminate counter-intelligence studies and reports;

1-1105. Direct, operate, control and provide fiscal management for the National Security Agency and for defense and military intelligence and national reconnaissance entities;

1-1106. Conduct, as the executive agent of the United States Government, signals intelligence and communications security activities, except as otherwise directed by the NSC;

1-1107. Provide for the timely transmission of critical intelligence, as defined by the Director of Central Intelligence, within the United States Government;

1-1108. Review budget data and information on Department of Defense programs within the National Foreign Intelligence Program and review budgets submitted by program managers to the Director of Central Intelligence to ensure the appropriate relationship of the National Foreign Intelligence Program elements to the other elements of the Defense program;

1-1109. Monitor, evaluate and conduct performance audits of Department of Defense intelligence programs;

1-1110. Carry out or contract for research, development and procurement of technical systems and devices relating to authorized intelligence functions;

1-1111. Together with the Director of Central Intelligence, ensure that there is no unnecessary overlap between national foreign intelligence programs and Department of Defense intelligence programs and provide the Director of Central Intelligence all information necessary for this purpose;

[See page 14.]

1-1112. Protect the security of Department of Defense installations, activities, information and personnel by appropriate means including such investigations of applicants, employees, contractors and other persons with similar associations with the Department of Defense as are necessary; and

1-1113. Conduct such administrative and technical support activities within and outside the United States as are necessary to perform the functions described in section 1-1101 through 1-1112 above.

1-12. Intelligence Components Utilized by the Secretary of Defense.

In carrying out the responsibilities assigned in sections 1-1101 through 1-1113, the Secretary of Defense is authorized to utilize the following:

1-1201. Defense Intelligence Agency, whose responsibilities shall include:

(a) Production or, through tasking and coordination, provision of military and military-related intelligence for the Secretary of Defense, the Joint Chiefs of Staff, other Defense components, and, as appropriate, non-Defense agencies;

(1-1201. Continued)

(b) Provision of military intelligence for national foreign intelligence products;

(b) Provision of military intelligence for national foreign intelligence products in accordance with guidance from the Director of Central Intelligence. [CIA proposal.]

(c) Coordination of all Department of Defense intelligence collection requirements for departmental needs;

(d) Management of the Defense Attache system; and

(e) Provision of foreign intelligence and counterintelligence staff support as directed by the Joint Chiefs of Staff.

1-1202. National Security Agency (NSA), whose responsibilities shall include:

(1-1202. Continued)

(a) Establishment and operation of an effective unified organization for signals intelligence activities, except for the delegation of operational control over certain operations that are conducted through other elements of the Intelligence Community. No other department or agency may engage in signals intelligence activities except pursuant to a delegation by the Secretary of Defense.

(b) Control of signals intelligence collection and processing activities, including assignment of resources to an appropriate agent for such periods and tasks as required for the direct support of military commanders;

(c) Collection of signals intelligence information for national foreign intelligence purposes in accordance with tasking by the NITC;

(c) Collection of signals intelligence information for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence. [CIA proposal.]

(c) Collection of signals intelligence for national foreign intelligence purposes in accordance with requirements and priorities established by the Director of Central Intelligence with the advice of NFIC. [State Department proposal.]

(1-1202. Continued)

(d) Processing of signals intelligence data for national foreign intelligence purposes consistent with standards for timeliness established by the Director of Central Intelligence;

(e) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the NITC;

(f) Collection, processing, and dissemination of signals intelligence information for counterintelligence purposes;

(g) Provision of signals intelligence support for the conduct of military operations in accordance with tasking, priorities and standards of timeliness assigned by the Secretary of Defense. If provisions of such support requires use of national collection systems, these systems will be tasked within existing guidance from the Director of Central Intelligence;

(d) Processing of signals intelligence data for national foreign intelligence purposes in accordance with guidance from the Director of Central Intelligence. [CIA proposal.]

(e) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the Director of Central Intelligence. [CIA proposal.]

(e) Dissemination of signals intelligence information for national foreign intelligence purposes to authorized elements of the Government, including the military services, in accordance with guidance from the Director of Central Intelligence with the advice of NFIC. [State Department proposal.]

(1-1202. Continued)

(h) Executing the responsibilities of the Secretary of Defense as executive agent for the communications security of the United States Government;

(i) Conduct of research and development to meet needs of the United States for signals intelligence and communications security;

(j) Protection of the security of its installations, activities, information and personnel by appropriate means including such investigations of applicants, employees, contractors and other persons with similar associations with the NSA as are necessary; and

(1-1202. Continued)

(k) Prescribing, within its field of authorized operations, security regulations covering operating practices, including the transmission, handling and distribution of signals intelligence and communications security material within and among the elements under control of the Director of the NSA, and exercising the necessary supervisory control to ensure compliance with the regulations.

1-1203. Offices for the collection of specialized intelligence through reconnaissance programs, whose responsibilities shall include:

(a) Carrying out consolidated reconnaissance programs for specialized intelligence;

(b) Responding to tasking through the NITC; and

(b) Responding to guidance from the Director of Central Intelligence; and [CIA proposal.]

(b) Responding to requirements and priorities established by the Director of Central Intelligence with the advice of NFIC; and [State Department proposal.]

(1-1203. Continued)

(c) Delegating authority to the various departments and agencies for research, development, procurement, and operation of designated means of collection.

1-1204. The foreign intelligence and counterintelligence elements of the military services, whose responsibilities shall include:

(1-1204. Continued)

(a) Collection, production and dissemination of military and military-related foreign intelligence, including information on indications and warnings, foreign capabilities, plan and weapons systems, scientific and technical developments and narcotics production and trafficking. When collection is conducted in response to national foreign intelligence requirements, it will be tasked by the NITC. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI;

(a) Collection, production and dissemination of military and military-related foreign intelligence, including information on indications and warnings, foreign capabilities, plans and weapons systems, scientific and technical developments and narcotics production and trafficking. When collection, production or dissemination is conducted in response to national foreign intelligence requirements, it will be conducted in accordance with guidance from the Director of Central Intelligence. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI; [CIA proposal.]

(a) Collection, production and dissemination of military and military-related foreign intelligence, including information on indications and warnings, foreign capabilities, plan and weapons systems, scientific and technical developments and narcotics production and trafficking. When collection is conducted in response to national foreign intelligence requirements, it will be responsive to requirements and priorities established by the Director of Central Intelligence with the advice of NFIC. Collection of national foreign intelligence, not otherwise obtainable, outside the United States shall be coordinated with the CIA, and such collection within the United States shall be coordinated with the FBI. [State Department proposal.]

(1-1204. Continued)

(b) Conduct of counter-intelligence activities outside the United States in coordination with the CIA, and within the United States in coordination with the FBI, and production and dissemination of counterintelligence studies or reports; and

(c) Monitoring of the development, procurement and management of tactical intelligence systems and equipment and conducting related research, development, and test and evaluation activities.

1-1205. Other offices within the Department of Defense appropriate for conduct of the intelligence missions and responsibilities assigned to the Secretary of Defense. If such other offices are used for intelligence purposes, the provisions of Section 2-101 through 2-309 of this Order shall apply to those offices when used for those purposes.

1-13. The Department of Energy.

The Secretary of Energy shall:

1-1301. Participate with the Department of State in overtly collecting political, economic and technical information with respect to foreign energy matters;

1-1302. Produce and disseminate foreign intelligence necessary for the Secretary's responsibilities;

1-1303. Participate in formulating intelligence collection and analysis requirements where the special expert capability of the Department can contribute; and

1-1304. Provide expert technical, analytical and research capability to other agencies within the Intelligence Community.

1-14. The Federal Bureau of Investigation.

Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Director of the FBI shall:

1-1401. Within the United States conduct counterintelligence and coordinate counterintelligence activities of other agencies within the Intelligence Community. When a counterintelligence activity of the FBI involves military or civilian personnel of the Department of Defense, the FBI shall coordinate with the Department of Defense;

1-1402. Conduct counterintelligence activities outside the United States in coordination with the CIA, subject to the approval of the Director of Central Intelligence;

1-1403. Conduct within the United States, when requested by officials of the Intelligence Community designated by the President, lawful activities undertaken to collect foreign intelligence or support foreign intelligence collection requirements of other agencies within the Intelligence Community;

1-1404. Produce and disseminate foreign intelligence, counterintelligence and counterintelligence studies and reports; and

1-1405. Carry out or contract for research, development and procurement of technical systems and devices relating to the functions authorized above.

1-15. The Drug Enforcement Administration.

[Deleted. Justice Department proposal.]

Under the supervision of the Attorney General and pursuant to such regulations as the Attorney General may establish, the Administrator of DEA shall:

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1-1501. Collect, produce and disseminate intelligence on the foreign and domestic aspects of narcotics production and trafficking in coordination with other agencies with responsibilities in these areas;

1-1502. Participate with the Department of State in the overt collection of general foreign political, economic and agricultural information relating to narcotics production and trafficking; and

1-1503. Coordinate with the Director of Central Intelligence to ensure that the foreign narcotics intelligence activities of DEA are consistent with other foreign intelligence programs.

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SECTION 3
OVERSIGHT OF INTELLIGENCE
ORGANIZATIONS

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3-1. President's Foreign Intelligence Advisory Board.

3-101. Duties. There is hereby established within the Executive Office of the President the President's Foreign Intelligence Advisory Board, hereinafter referred to as the "Board." The Board shall:

(a) advise the President concerning the objectives, conduct, management and coordination of the various activities comprising the overall national intelligence effort;

(b) conduct a continuing review and assessment of foreign intelligence and related activities in which the Intelligence Community and other Government departments and agencies are engaged;

(3-101. Continued)

(c) receive, consider and take appropriate action with respect to matters identified to the Board by the Director of Central Intelligence and the heads of other Government departments and agencies of the Intelligence Community, in which the support of the Board will further the effectiveness of the national intelligence effort; and

(d) report to the President periodically, but at least semiannually, concerning the Board's findings and appraisals, and make appropriate recommendations for actions to achieve increased effectiveness of the Government's foreign intelligence effort in meeting national intelligence needs.

3-1. Intelligence Oversight Board.

3-101. Membership. The President's Intelligence Oversight Board (IOB) shall function within the White House. The IOB shall have three members who shall be appointed by the President and who shall be from outside the government and be qualified on the basis of ability, knowledge, diversity of background and experience. No member shall have any personal interest in any contractual relationship with any agency within the Intelligence Community. One member shall be designated by the President as chairman.

3-102. Membership. Members of the Board shall be appointed by the President from among persons outside the Government, qualified on the basis of knowledge and experience in matters relating to the national defense and security, or possessing other knowledge and abilities which may be expected to contribute to the effective performance of the Board's duties. One member of the Board shall be designated by the President as chairman. The members of the Board shall receive such compensation and allowances, consonant with law, as may be prescribed hereafter.

3-103. Intelligence Oversight Committee; duties. Three members of the Board shall be designated by the President as the Board's Intelligence Oversight Committee (IOC). The IOC shall:

3-102. Duties:

The IOB shall:

(a) Review periodically the practices and procedures of the Inspectors General and General Counsel with responsibilities for agencies within the Intelligence Community for discovering and reporting to the IOB intelligence activities that raise questions of legality or propriety, and consider written and oral reports referred under Section 3-201;

(b) Review periodically for adequacy the internal guidelines of each agency within the Intelligence Community concerning the legality or propriety of intelligence activities;

(c) Report periodically, at least quarterly, to the President on its findings; and report in a timely manner to the President any intelligence activities that raise serious questions of legality or propriety;

(a) review periodically the practices and procedures of the Inspectors General and General Counsel with responsibilities for agencies within the Intelligence Community for discovering and reporting to the IOB intelligence activities that raise questions of legality and propriety, and consider written and oral reports submitted by them concerning such activities;

(b) review periodically for adequacy the internal guidelines of each agency within the Intelligence Community concerning the legality or propriety of intelligence activities;

(c) report in a timely manner to the President concerning any intelligence activities that raise serious questions of legality or propriety.

(3-102. Continued)

(d) Forward to the Attorney General, in a timely manner, reports received concerning intelligence activities in which a question of legality has been raised or which the IOB believes to involve questions of legality; and

(e) Conduct such investigations of the intelligence activities of agencies within the Intelligence Community as the Board deems necessary to carry out its functions under this Order.

3-103. Restriction on Staff. No person who serves on the staff of the IOB shall have any contractual or employment relationship with any agency within the Intelligence Community.

3-2. Inspectors General and General Counsel. Inspectors General and General Counsel with responsibility for agencies within the Intelligence Community shall:

(d) forward to the Attorney General, in a timely manner, reports received concerning intelligence activities in which a question of legality has been raised or which the IOB believes to involve questions of legality;

(e) conduct such reviews of the practices and activities of agencies within the Intelligence IOC as the Committee deems necessary to carry out its functions under this Order; and

3-2. Inspector General and General Counsel. Inspectors General and General Counsel with responsibility for agencies within the Intelligence Community shall:

3-201. Transmit timely reports to the IOB concerning any intelligence activities that come to their attention and that raise questions of legality or propriety;

3-202. Promptly report to the IOB actions taken concerning the Board's findings on intelligence activities that raise questions of legality or propriety;

3-203. Provide to the IOB information requested concerning the legality or propriety of intelligence activities within their respective agencies;

3-204. Formulate practices and procedures for discovering and reporting to the IOB intelligence activities that raise questions of legality or propriety; and

3-201. Transmit timely reports to the IOC concerning any intelligence activities that come to their attention and that raise questions of legality or propriety;

3-202. Promptly report to the IOC actions taken concerning the Board's findings on intelligence activities that raise questions of legality or propriety;

3-203. Provide to the IOC information requested concerning the legality or propriety of intelligence activities within their respective agencies;

3-204. Formulate practices and procedures for discovering and reporting to the IOC intelligence activities that raise questions of legality or propriety; and

3-205. Report to the IOB any occasion on which the Inspectors General or General Counsel were directed not to report any intelligence activity to the IOB which they believed raised questions of legality or propriety.

3-205. Report to the IOC any occasion on which the Inspectors General or General Counsel were directed not to report any intelligence activity to the IOC which they believed raised questions of legality or propriety.

3-3. Attorney General. The Attorney General shall:

3-301. Receive and consider reports from agencies within the Intelligence Community forwarded by the IOB;

3-302. Report to the President in a timely fashion any intelligence activities which raise questions of legality;

3-3. Attorney General. The Attorney General shall:

3-301. Receive and consider reports from agencies within the Intelligence Community forwarded by the IOC;

3-302. Report to the President in a timely fashion any intelligence activities which raise questions of legality;

3-303. Report to the IOB and to the President in a timely fashion decisions made or actions taken in response to reports from agencies within the Intelligence Community forwarded to the Attorney General by the IOB;

3-304. Inform the IOB of legal opinions affecting the operations of the Intelligence Community; and

3-305. Establish or approve procedures, as required by this Order, for the conduct of intelligence activities. Such procedures shall ensure compliance with law, protect constitutional rights and privacy, and ensure that any intelligence activity within the United States or directed against any United States person is conducted by the least intrusive means possible. The procedures shall also ensure that any use, dissemination and storage of information about United States persons acquired through intelligence activities is limited to that necessary to achieve lawful governmental purposes.

3-303. Report to the IOC and to the President in a timely fashion decisions made or actions taken in response to reports from agencies within the Intelligence Community forwarded to the Attorney General by the IOC;

3-304. Inform the IOC of legal opinions affecting the operations of the Intelligence Community; and

3-305. Determine, as required by this Order, that procedures established by the heads of agencies within the Intelligence Community are consistent with the Constitution and statutes of the United States. [As proposed by Section 2 Working Group.]

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3-4. Responsibilities of Heads of Departments and Agencies. In order to facilitate performance of the Board's functions, the Director of Central Intelligence and the heads of all other departments and agencies shall make available to the Board all information with respect to foreign intelligence and related matters which the Board may require for the purpose of carrying out its responsibilities to the President in accordance with the terms of this Order. Such information made available to the Board shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and regulations.

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3-5. Staff. The Board shall have a staff headed by an executive secretary, who shall be appointed by the President and shall receive such compensation and allowances, consonant with law, as may be prescribed by the Board. The executive secretary shall be authorized, subject to the approval of the Board and consonant with law, to appoint and fix the compensation of such staff personnel as may be necessary for performance of the Board's duties. No person who serves on the Board or its staff shall have any contractual or employment relationship with any agency within the Intelligence Community.

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3-6. Compensation and Allow-
ances. Compensation and allow-
ances of the Board, the executive
secretary and members of the
staff, together with other
expenses arising in connection
with the work of the Board, shall
be paid from the appropriation
appearing under the heading
"Unanticipated Needs" in the
Executive Office Appropriations
Act, 1980, Pub. L. 96-74, 93
Stat. 565, and, to the extent
permitted by law, from any
corresponding appropriation which
may be made for subsequent
years. Such payments shall be
made without regard to the provi-
sions of §3681 of the Revised
Statutes and §9 of the Act of
March 4, 1909, 35 Stat. 1027 (31
U.S.C. 672 and 673).

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3-4. Congressional Intelligence Committees. Under such procedures as the President may establish and consistent with applicable authorities and duties, including those conferred by the Constitution upon the Executive and Legislative Branches and by law to protect sources and methods, the Director of Central Intelligence and heads of departments and agencies of the United States involved in intelligence activities shall:

3-401. Keep the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate fully and currently informed concerning intelligence activities, including any significant anticipated activities which are the responsibility of, or engaged in, by such department or agency. This requirement does not constitute a condition precedent to the implementation of such intelligence activities;

3-7. Congressional Oversight. The duties and responsibilities of the Director of Central Intelligence and the heads of other departments and agencies within the Intelligence Community to cooperate with and assist the Congress in the conduct of its responsibilities for oversight of intelligence activities shall be as provided in title 50, United States Code, §413.

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3-402. Provide any information or document in the possession, custody, or control of the department or agency or person paid by such department or agency, within the jurisdiction of the Permanent Select Committee on Intelligence of the House of Representatives or the Select Committee on Intelligence of the Senate, upon the request of such committee; and

3-403. Report in a timely fashion to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate information relating to intelligence activities that are illegal or improper and corrective that are taken or planned.

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SECTION 4

GENERAL PROVISIONS

4-1. Implementation.

4-101. Except as provided in Section 4-105 of this section, this Order shall supersede Executive Order 11905, "United States Foreign Intelligence Activities," dated February 18, 1976; Executive Order 11985, same subject, dated May 13, 1977; and Executive Order 11994, same subject, dated June 1, 1977.

4-102. The NSC, the Secretary of Defense, the Attorney General and the Director of Central Intelligence shall issue such appropriate directives and procedures as are necessary to implement this Order.

4-103. Heads of agencies within the Intelligence Community shall issue appropriate supplementary directives and procedures consistent with this Order..

4-101. Except as provided in section 4-105 of this section, this Order shall supersede Executive Order 12036, "United States Intelligence Activities," dated January 24, 1978, and sections 1-104 and 1-105 of Executive Order 12139, "Foreign Intelligence Electronic Surveillance," dated May 23, 1979.

4-104. The Attorney General shall have sole authority to issue and revise procedures required by Section 2-201 for the activities of the FBI relating to foreign intelligence and counter-intelligence.

4-105. Where intelligence activities under this Order are to be conducted pursuant to procedures approved or agreed to by the Attorney General, those activities may be conducted under terms and conditions of Executive Order 11905 and any procedures promulgated thereunder until such Attorney General procedures are established. Such Attorney General procedures shall be established as expeditiously as possible after the issuance of this Order.

4-105. Until the procedures required by amendments to this Order have been established, the activities authorized and regulated herein shall be conducted in accordance with procedures heretofore approved or agreed to by the Attorney General pursuant to this Order. Procedures required by amendments to this Order shall be established as expeditiously as possible. [As proposed by Section 2 Working Group.]

4-106. In some instances, the documents that implement this Order will be classified because of the sensitivity of the information and its relation to national security. All instructions contained in classified documents will be consistent with this Order. All procedures promulgated pursuant to this Order will be made available to the Congressional intelligence committees in accordance with Section 3-402.

4-106. In some instances, the documents that implement this Order will be classified because of the sensitivity of the information and its relation to national security. All instructions contained in classified documents will be consistent with this Order. All procedures promulgated pursuant to this Order will be made available to the Congressional intelligence committees in accordance with applicable law.

4-107. Unless otherwise specified, the provisions of this Order shall apply to activities both within and outside the United States, and all references to law are applicable laws of the United States, including the Constitution and this Order. Nothing in this Order shall be construed to apply to or interfere with any authorized civil or criminal law enforcement responsibility of any department or agency.

4-2. Definitions.

For the purposes of this Order, the following terms shall have these meanings:

4-201. Communications security means protective measures taken to deny unauthorized persons information derived from telecommunications of the United States Government related to national security and to ensure the authenticity of such telecommunications.

4-201. Communications security means protection measures taken to deny unauthorized persons information derived from telecommunications of the United States Government related to national security and to ensure the authenticity of such communications. Such protection results from the application of security measures (including cryptosecurity, transmission security, emissions security) to electrical systems generating, handling, processing, or using national security or national-security related information. It also includes the application of physical security measures to communications security information or materials. [NSA proposal.]

4-202. Counterintelligence means information gathered and activities conducted to protect against espionage and other clandestine intelligence activities, sabotage, international terrorist activities or assassinations conducted for or on behalf of foreign powers, organizations or persons, but not including personnel, physical, document, or communications security programs.

4-203. Electronic Surveillance means acquisition of a nonpublic communication by electronic means without the consent of a person who is a party to an electronic communication or, in the case of a nonelectronic communication, without the consent of a person who is visibly present at the place of communication, but not including the use of radio direction finding equipment solely to determine the location of a transmitter.

4-202. Counterintelligence means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorist activities, but not including personnel, physical, document, or communications security programs. [As proposed by Section 2 Working Group.]

4-202. Counterintelligence means information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage or assassinations conducted for or on behalf of foreign powers, organizations or persons, or international terrorist activities. [As proposed by the Acting SA/DCI/CI.]

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4-204. Employee means a person employed by, assigned to, or acting for an agency within the Intelligence Community.

4-205. Foreign Intelligence means information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, but not including counterintelligence except for information on international terrorist activities.

4-206. Intelligence means foreign intelligence and counterintelligence.

4-207. Intelligence Community and agency or agencies within the Intelligence Community refer to the following organizations:

(a) The Central Intelligence Agency (CIA);

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(4-207. Continued)

(b) The National Security Agency (NSA);

(c) The Defense Intelligence Agency;

(d) The Offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(e) The Bureau of Intelligence and Research of the Department of State;

(f) The intelligence elements of the military services, the Federal Bureau of Investigation (FBI), the Department of the Treasury, the Department of Energy, and the Drug Enforcement Administration (DEA); and

(g) The staff elements of the Office of the Director of Central Intelligence.

4-208. Intelligence product means the estimates, memoranda and other reports produced from the analysis of available information.

4-209. International terrorist activities means any activity or activities which:

(a) involves killing, causing serious bodily harm, kidnapping, or violent destruction of property, or an attempt or credible threat to commit such acts; and

(b) appears intended to endanger a protectee of the Secret Service or the Department of State or to further political, social or economic goals by intimidating or coercing a civilian population or any segment thereof, influencing the policy of a government or international organization by intimidation or coercion, or obtaining widespread publicity for a group or its cause; and

(4-209. Continued)

(c) transcends national boundaries in terms of the means by which it is accomplished, the civilian population, government, or international organization it appears intended to coerce or intimidate, or the locale in which its perpetrators operate to seek asylum.

(c) occurs totally outside the United States or transcends national boundaries in terms of the means by which it is accomplished, the civilian population, government, or international organization it appears intended to coerce or intimidate, or the locale in which its perpetrators operate or seek asylum. [As proposed by Section 2 Working Group.]

4-210. The National Foreign Intelligence Program includes the programs listed below, but its composition shall be subject to review by the National Security Council and modification by the President.

(a) The programs of the CIA;

(4-209. Continued)

(b) The Consolidated Cryptologic Program, the General Defense Intelligence Program, and the programs of the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance except such elements as the Director of Central Intelligence and the Secretary of Defense agree should be excluded;

(c) Other programs of agencies within the Intelligence Community designated jointly by the Director of Central Intelligence and the head of the department or by the President as national foreign intelligence or counterintelligence activities;

(d) Activities of the staff elements of the Office of the Director of Central Intelligence;

(e) Activities to acquire the intelligence required for the planning and conduct of tactical operations by the United States military forces are not included in the National Foreign Intelligence Program.

4-211. Physical surveillance means an unconsented, systematic and deliberate observation of a person by any means on a continuing basis, or unconsented acquisition of a nonpublic communication by a person not a party thereto or visibly present threat through any means not involving electronic surveillance. This definition does not include overhead reconnaissance not directed at specific United States persons.

4-212. Special activities means activities conducted abroad in support of national foreign policy objectives which are designed to further official United States programs and policies abroad and which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but not including diplomatic activity or the collection and production of intelligence or related support functions.

4-212. Special activities means activities in support of national foreign policy objectives which are designed to further official United States programs and policies abroad and which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but not including diplomatic activity or the collection and production of intelligence or related support functions. [As proposed by Section 2 Working Group.]

4-212. Special activities means activities in support of national foreign policy objectives abroad which are designed to further official United States programs and policies abroad, are not intended to influence U.S. public opinion or policies, and which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but not including diplomatic activity or the collection and production of intelligence or related support functions. [As proposed by DoJ.]

4-____. [new] Tele-
communications means the
transmission, communication or
processing of information,
including the preparation of
information therefor, by
electrical, electromagnetic,
electromechanical or electro-
optical means. [NSA proposal.]

4-213. United States, when
used to describe a place,
includes the territories of the
United States.

4-214. United States
person means a citizen of the
United States, an alien lawfully
admitted for permanent residence,
an unincorporated association
organized in the United States or
substantially composed of United
States citizens or aliens
admitted for permanent residence,
or a corporation incorporated in
the United States.

4-214. United States
person means a citizen of the
United States, an alien
physically present in the United
States who is known by the intel-
ligence agency concerned to be a
permanent resident alien, an
unincorporated association sub-
stantially composed of United
States citizens, or a corporation
incorporated in the United
States, unless such corporation
is controlled by one or more
foreign powers, persons or
organizations. [As proposed by
Section 2 Working Group.]

4-214. United States
person means:

(a) For purposes of
collection of information by any
technique for which a warrant
would be required if undertaken
for law enforcement purposes, and
the dissemination and storage of
such information, a citizen of
the United States, an alien law-
fully admitted for permanent
residence, an unincorporated
association organized in the
United States or substantially
composed of United States
citizens or aliens admitted for
permanent residence, or a corpo-
ration incorporated in the United
States; or

(4-214. Continued)

(b) For all other purposes, a United States citizen, an alien physically present in the United States who is known by the intelligence agency concerned to be a permanent resident alien, an unincorporated association substantially composed of United States citizens, or a corporation incorporated in the United States, unless such corporation is controlled by one or more foreign powers, persons or organizations. [As proposed by Section 2 Working Group.]